

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

DEVERICK SCOTT,
ADC #131042,

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Plaintiff,

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vs.

No. 2:12CV00245-SWW

RAY HOBBS, Director, Arkansas
Department of Correction; *et al.*,

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*

Defendants.

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motions to Dismiss (Doc. Nos. 11, 16) are GRANTED, and Plaintiff's Complaint against Defendants is DISMISSED with prejudice for failure to state a claim upon which relief may be granted.

2. This dismissal is considered a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).

3. The Court certifies that an *in forma pauperis* appeal from an Order and Judgment dismissing this action will not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 17th day of April, 2013.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE